

Middle Canyon Land Use Advisory Committee Public Meeting Minutes

7:00 PM - Tuesday, June 29, 2010

Glacier National Park Headquarters Community Building, West Glacier, Montana

A. **Call to order** – 7:07 PM. Committee members Ann Fagre, John Gillespie and John Gladder in attendance. Alison Mouch attends from the Planning and Zoning office. Attendance from members of the public are recorded on the sign-up sheet (attached).

B. **Approval of minutes.** Minutes from June 2, 2010 meeting read and accepted

C. **Review of zoning variance request by Paul and Virginia DeToni**

Paul DeToni objects to the meeting being recorded. Riley McClelland forwarded a motion to allow recording, 2nd by Gail Pauley. Motion failed and the recorder was turned off. Note: these minutes are more general than they would have been if the meeting had been recorded as recording aids tremendously in the creation of detailed minutes.

Staff presentation - Alison then presented the Planning and Zoning staff report on the variance request in detail and explained the required criteria needed for a variance to be approved. In this case 5 out of 8 variance criteria are not met. The Planning and Zoning office is recommending denial. She answered many questions from the public and clarified some misconceptions about land use regulations in the Middle Canyon and the county. Some of the questions were about set backs, highway right-of-way, the Middle Canyon community/service center, grandfathering, committee by-laws, county attorney's conversation, a few years ago, with the DeTonis, Board of Adjustment's role as the final decision on this variance request, procedure for proposing changes to CALURS.

Applicant presentation - Virginia and Paul Detoni then presented their side of the variance request which was generally what their submitted application stated.

Public comment – comment was limited to 3 minutes/person and a reminder was issued from the committee to keep comments civil (as the tone of the meeting from some had become disrespectful).

5 people wanted the variance denied. Reasons stated for denying the variance: it's a person's responsibility to check with local zoning beforehand, the building permit stated that the structure needed to comply with local zoning, supportive of the planning process, approving the variance would be unfair to those who have followed all of the rules, ignorance of a law is no excuse, zoning has worked in the Middle Canyon as demonstrated by the entrance to the park still natural, support of the set backs to preserve the scenic beauty of entrance to GNP.

2 people took an 'in between' position. 'In between' comments sympathized with the DeToni's situation but still supportive of land use regulations and the rules should be followed, a better review process needed for zoning, suggestion to revisit CALURS and change some of the regulations, one person had gone through a review before and been denied which was disappointing, and the other person had gone through a major land use review 3 times and followed the process and thought others should too.

6 people wanted the variance approved. Comment in support of the variance included: DeToni tried to meet the zoning in the middle, the Eagle sculpture is missed, there is not enough for people to do outside of the park, complaint that GNP doesn't do enough to educate people about the history of the park, against zoning and will always fight zoning, DeToni have right to do whatever they want to with their property.

Committee discussion –

There was a clarification on the height of the structure.

John Gillespie stated that he had done a site visit and there was plenty of room to move the building out of the setback. He restated that the variance request only met 3 out of the 8 required criteria for granting it.

John Gladder stated that he told DeToni the building was out of compliance when the foundation was being laid. There has to be a balance with development and our community has decided on local zoning. Has a concern with people who come here just to make money and disregard the area. Hopes there can be some sort of solution but does not want a big change in CALURS. Does not know what the compromise should be. He's not anti-development, but hopes that things work.

Ann Fagre stated that it's the committee's duty and responsibility to assess a proposal's compliance with CALURS and other applicable county and state regulation. This variance request doesn't meet established criteria to justify approval. She generally agreed with the Planning and Zoning staff report and felt the denial of the variance was correct on their part. She took issue with the DeToni's statement that the service center is an indiscriminate line drawn and that there was no map of the service center to go by. Ann checked in the Canyon Plan and the regulations and confirmed that the designated service center is referred to many times in the Canyon Plan under 'goals and policies' and also clearly in the regulations and that a map is in the CALURS document in older and updated versions. Also any advisory committee member could provide a detailed/large scale map and a map was at Planning and Zoning as well. She referenced a Sept. 2004 Middle Canyon Advisory Committee community meeting to review a zone change request to apply the service center standards along Hwy 2. There was overarching community support to keep the service center intact and to keep Hwy 2 from becoming strip developed. Certainly the existence and significance of the service area was not lost on the community. The zone change request was withdrawn by the applicants at that meeting.

Committee recommendation – John Gillespie made motion to accept variance. Motion died because of lack of a second. Ann gave chair position to John Gladder in order to make motion. She moved that the request for variance #FZV-10-01 be denied based on lack of sufficient justification of established criteria. John Gladder seconded. All in favor – 3, opposed – 0. Motion carried. John Gladder gave chair position back to Ann.

- D. **Unfinished business –** by-laws were signed by committee members to be forwarded to the county commissioners for approval. Also, Alison confirmed that there were 2 zoning violations that were still being followed up on.

- E. **New business** – Alison confirmed that there was one new zoning violation just submitted.
- F. **Adjournment** – 9:45 PM